

Ordinance No. 614-2025

By Council Members Bishop and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Parks and Recreation to donate three sewer easements to the City of Garfield Heights, or its designee, for its sewer separation project at Crawford Park and declaring the easements rights granted are not needed for public use.

WHEREAS, the City of Garfield Heights requested the Director of Parks and Recreation to convey certain easement rights in property located within Crawford Park located in the City of Garfield Heights and owned by the City of Cleveland; and

WHEREAS, the City of Garfield Heights requires the easement rights in order to complete the sewer separation project along Martin Luther King Jr. Boulevard, Thornhurst Avenue and South Parkway Drive that is adjacent to Crawford Park, which will reduce combined sewer overflows into the interceptor located under Crawford Park; and

WHEREAS, the easement rights to be granted are not needed for public use;

WHEREAS, the donation of the easements will be made in exchange for the City of Garfield Heights donating additional improvements it will make including catch basins, storm sewers, curb ramps, sidewalk, pavement, bollards, and vegetation within Crawford Park; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for public use:

Utility Easement – 0.054 Acres

Situated in the State of Ohio, County of Cuyahoga, and City of Garfield Heights, known as being part of Original Lot 477, and part of the 21.830 acre tract of land in the name of the City of Cleveland as recorded in Deed Volume 1698, Page 510, all references are on file with the Recorder's Office, Cuyahoga County, Ohio and being more particularly described as follows:

Commencing for reference at a 1" pinched top iron pipe found in a monument box in the centerline of South Parkway Drive (R/W Varies), thence North 19°48'52" West, leaving said centerline a distance of 15.00 feet, to a point in the northerly Right-of-Way of said South Parkway Drive;

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Thence North 19°48'52" West, continuing along said South Parkway Drive Right-of-Way line a distance of 10.00 feet, to a 5/8" iron pin found at an easterly corner of a 0.420 acre tract of land in the name of Donzelle Amie, said point being referenced by a 7/8" outside diameter iron pipe found North 13°48'12" West, a distance of 0.36 feet;

Thence South 79°44'09" West, along a northerly line of said Amie lands a distance of 7.69 feet, to the TRUE PLACE OF BEGINNING for the land herein described;

Course No. 1 Thence South 79°44'09" West, along said northerly line a distance of 30.77 feet to a point;

Thence leaving said property line and traversing a new easement line through said Grantor's 21.830 acre tract for the following three (3) courses;

Course No. 2 Thence North 23°04'21" West, a distance of 75.45 feet to a point;

Course No. 3 Thence North 66°55'39" East, distance of 30.00 feet to a point;

Course No. 4 Thence South 23°04'21" East, a distance of 82.27 feet to the TRUE PLACE OF BEGINNING, Containing 0.054 acres of land, more or less, as surveyed, calculated and described on August 7, 2024, by Brandon V. Battig P.S. 8708, subject to all legal highways, leases, and restrictions of record.

The bearings herein are based upon NAD83 State Plane Coordinates, Ohio North Zone, as established in August 2024 in an actual field survey by OHM Advisors.

Utility Easement – 0.116 Acres

Situated in the State of Ohio, County of Cuyahoga, and City of Garfield Heights, known as being part of Original Lot 477, and part of the 21.830 acre tract of land in the name of the City of Cleveland as recorded in Deed Volume 1698, Page 510, all references are on file with the Recorder's Office, Cuyahoga County, Ohio and being more particularly described as follows:

Commencing for reference at a 1" pinched top iron pipe found in a monument box in the centerline of South Parkway Drive (R/W Varies), thence North 19°48'52" West, leaving said centerline a distance of 15.00 feet, to a point in the northerly Right-of-Way of said South Parkway Drive and the TRUE PLACE OF BEGINNING for the land herein described;

Course No. 1 Thence North 19°48'52" West, continuing along said South Parkway Drive Right-of-Way line a distance of 10.00 feet, to a 5/8" iron pin found at an easterly corner of a 0.420 acre tract of land in the name of Donzelle Amie, said point being referenced by a 7/8" outside diameter iron pipe found North 13°48'12" West, a distance of 0.36 feet;

Thence leaving said northerly Right-of-Way line and traversing a new easement line through said Grantor's 21.830 acre tract for the following two (2) courses;

Course No. 2 Thence along the arc of a circle deflecting to the right 373.74 feet, to a point, said arc having a radius of 1120.00 feet, and a chord which bears North 79°44'55" East, a distance of 372.00 feet;

Course No. 3 Thence North 89°16'07" East, a distance of 135.03 feet, to a point of curvature in the westerly Right-of-Way line of East 131st Street (60' R/W);

Course No. 4 Thence along the arc of a circle deflecting to the right 18.46 feet, leaving said East. 131st Street Right-of-Way line and continuing along the northerly line of said South Parkway Drive, said arc having a radius of 15.00 feet, and a chord which bears South 54°00'15" West, a distance of 17.32 feet to a point;

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- Course No. 5 Thence South 89°16’07” West, continuing along said South Parkway Drive Right-of-Way line, a distance of 120.89 feet to a point of curvature;
- Course No. 6 Thence along the arc of a circle deflecting to the left 370.40 feet, continuing along said South Parkway Drive Right-of-Way line to the TRUE PLACE OF BEGINNING, said arc having a radius of 1110.00 feet, and a chord which bears South 79°44’55” West, a distance of 368.68 feet, containing 0.116 acres of land, more or less, as surveyed, calculated and described on August 7th, 2024, by Branden V. Battig P.S. 8708, subject to all legal highways, leases, and restrictions of record.

The bearings herein are based upon NAD83 State Plane Coordinates, Ohio North Zone, as established in August 2024 in an actual field survey by OHM Advisors.

Utility Easement – 0.990 Acres

Situated in the State of Ohio, County of Cuyahoga, and City of Garfield Heights, known as being part of Original Lot 477, and part of the 21.830 acre tract of land in the name of the City of Cleveland as recorded in Deed Volume 1698, Page 510, all references are on file with the Recorder’s Office, Cuyahoga County, Ohio and being more particularly described as follows:

Commencing for reference at a 5/8 inch iron pin found in a monument box in the centerline of Maplerow Avenue (50 feet), thence North 88°57’46” East, along said centerline a distance of 65.00 feet to the intersection of said Maplerow Avenue and Martin Luther King Jr Boulevard (130 feet);

Thence North 00°57’34” West, along the centerline of Martin Luther King Jr Boulevard a distance of 405.72 feet to a point in a northerly Right-of-Way line of said Martin Luther King Jr Boulevard and the TRUE PLACE OF BEGINNING for the land herein described;

- Course No. 1 Thence South 89°02’26” West, along said northerly Right-of-Way line a distance of 32.56 feet to a point;

Thence leaving said northerly Right-of-Way line and traversing a new easement line through said Grantor’s 21.830 acre tract for the following ten (10) courses;

- Course No. 2 Thence North 15°22’50” West, a distance of 304.61 feet to a point;
- Course No. 3 Thence North 74°37’10” East, a distance of 30.00 feet to a point;
- Course No. 4 Thence South 15°22’50” East, a distance of 147.99 feet to a point;
- Course No. 5 Thence South 44°20’39” East, a distance of 69.34 feet to a point of curvature;
- Course No. 6 Thence along the arc of a circle deflecting to the right 195.50 feet to a point, said arc having a radius of 1265.00 feet, and a chord which bears North 18°49’03” East, a distance of 195.31 feet;
- Course No. 7 Thence North 59°21’47” West, a distance of 25.76 feet to a point;
- Course No. 8 Thence North 30°38’13” East, a distance of 30.00 feet to a point;
- Course No. 9 Thence South 59°21’47” East, a distance of 102.70 feet to a point of curvature;
- Course No. 10 Thence along the arc of a circle deflecting to the left 165.73 feet to a point, said arc having a radius of 1185.00 feet and a chord which bears South 20°11’53” West, a distance of 165.59 feet;

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Course No. 11 Thence South 50°10'58" East, a distance of 115.29 feet to a point in a west line of a 0.290 acre tract in the name of the City of Cleveland;

Course No. 12 Thence South 00°57'34" East, along said west line and along a westerly Right-of-Way line of Thornhurst Avenue (40 feet), a distance of 48.06 feet to a point of curvature, said point being in the southerly Right-of-Way line of Thornhurst Avenue, said point also being a northeasterly corner of Sublot 246 of the Cranwood Estates Company's Cranwood Park Allotment as recorded in Plat Book 55, Page 8;

Thence traversing said new easement line through said Grantor's 21.830 acre tract for the following four (4) courses;

Course No. 13 Thence along the arc of a circle deflecting to the right 78.28 feet to a point, said arc having a radius of 359.86 feet and a chord which bears North 60°58'36" West, a distance of 78.13 feet;

Course No. 14 Thence North 54°44'41" West, a distance of 10.26 feet to a point of curvature;

Course No. 15 Thence along the arc of a circle deflecting to the left 52.03 feet to a point, said arc having a radius of 23.72 feet and a chord which bears South 62°27'40" West, a distance of 42.21 feet;

Course No. 16 Thence South 00°19'59" East, a distance of 26.22 feet to a point in the north line of Sublot 246 of said Cranwood Park Allotment;

Course No. 17 Thence South 89°02'26" West, along said north line and along a northerly Right-of-Way line of said Martin Luther King Jr Boulevard a distance of 66.01 feet to the TRUE PLACE OF BEGINNING, containing 0.990 acres of land, more or less, as surveyed, calculated and described on August 7th, 2024, by Branden V. Battig P.S. 8708, subject to all legal highways, leases, and restrictions of record.

The bearings herein are based upon NAD83 State Plane Coordinates, Ohio North Zone, as established in August 2024 in an actual field survey by OHM Advisors.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey, at fair market value, the above-described non-exclusive, easement rights to the City of Garfield Heights, subject to any conditions stated herein.

Section 3. That the easements shall be non-exclusive and the purpose of the easements shall be for the City of Garfield Heights to construct new storm sewers along with re-lining existing sanitary sewers to reduce overflows that are released into the Northeast Ohio Regional Sewer District Mill Creek Interceptor Tunnel that is located under Crawford Park.

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Section 4. That the duration of the easements shall be perpetual; that the easements may include reasonable right of entry rights to the City; that the easements shall not be assignable without the consent of the Director of Parks and Recreation; that the easements shall require that the City of Garfield Heights to indemnify the City of Cleveland, provide reasonable insurance, maintain any improvements located within the easements, and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Parks and Recreation on behalf of the City of Cleveland. The Directors of Parks and Recreation and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the improvements.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

ST:uo
5-12-2025
FOR: Director Nichols

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By Council Members Bishop and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Parks and Recreation to donate three sewer easements to the City of Garfield Heights, or its designee, for its sewer separation project at Crawford Park and declaring the easements rights granted are not needed for public use.

READ FIRST TIME on MAY 12, 2025
and referred to DIRECTORS of Parks and Recreation, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

REPORT
after second Reading

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
MUNICIPAL SERVICES
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION